



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

"AUTHORITY AND DOGMA IN JUDAISM."

A REPLY.

IN the last number of the JEWISH QUARTERLY REVIEW an article appeared, by Mr. O. J. Simon, with the title "Authority and Dogma in Judaism." The immediate occasion of the article was the Chief Rabbi's inhibition, a year ago, of the Rev. Morris Joseph. This seems to have aroused the ire of Mr. Simon. In his exasperation at what he considers the Chief Rabbi's unwarrantable and high-handed proceeding, he makes a number of misstatements which ought in the interests of truth to be corrected; otherwise, silence might be construed into a proof that his arguments are unanswerable.

It is my purpose in this paper to point out where Mr. Simon has, in my opinion, gone wrong. I shall not attempt to vie with him in grace of style. A plain statement of the truth will carry conviction to every impartial mind.

Mr. Simon's paper deals with three topics:

First—The origin and purport of sacrifices;

Second—The scope and function of the Shulchan Aruch;

Third—The Chief Rabbi's inhibition of the Rev. Morris Joseph.

SACRIFICES.

Mr. Simon's positions on this head are:—

First—That the sacrifice of animals is a development from human sacrifice, "a step between human sacrifice and no sacrifice at all."¹

Second.—That it was, according to the teaching of the Hebrew prophets, essentially a ritual of a temporary character.²

¹ P. 233.

² P. 233.

Third.—The statement is made that we never read in regard to sacrifices the phrase found in connection with other rites: "This is an ordinance for ever, throughout your generations."¹

Fourth.—Mr. O. J. Simon, in a note, further makes the astounding assertion that it is "morally certain that Maimonides, whom all orthodoxy now reveres, never prayed to God to restore sacrifices."²

Here we have plain issues which can be clearly and definitely met on one very modest and simple condition—that Mr. Simon accepts the Bible as the inspired Word of God and a record of truth. His first position is, that animal sacrifice is a step between human sacrifice and no sacrifice at all. If this were so, how does he account for the fact that animal sacrifices were offered up to God in the earliest dawn of human history? Cain and Abel bring sacrifices to God. "Cain brought of the fruit of the ground an offering unto the Lord; and *Abel he also brought of the firstlings of his flock, and of the fat thereof.*"³ Were there human sacrifices offered up before Abel brought the firstlings of his flock? Noah leaves the ark, and, in gratitude to the Almighty, offers up sacrifices.⁴ Where is there here a trace of development from human sacrifices? Abraham, from the beginning of his mission, wherever he settles, builds an altar, offers up sacrifices, and calls upon the name of God. His example is followed by his son, Isaac, and his grandson, Jacob. The redemption of the Jews from the yoke of Egyptian slavery—the birth of the Jewish nation—is signalised by the Paschal sacrifice. The covenant between God and Israel on Mount Sinai is sealed in the blood of sacrifices, as once the covenants

¹ P. 234.

² P. 235.

³ Gen. iv. 3, 4.

⁴ What Moses taught, these things his predecessor *Abraham had* preserved; and what Abraham had preserved, with these things Enoch and Noah were well acquainted; for they made a distinction between clean and unclean, and were acceptable to God. (Athanasius, quoted in McClintock and Strong's *Biblical Cyclopedia*.)

between God and their ancestor Abraham—at which his descendants' educational sufferings and nobility of character (a result of that suffering) were announced—had been marked by offerings of a heifer, she-goat, ram, turtle-dove and pigeon. Where in all this is there a trace of human sacrifices? Does it not rather seem that sacrifices were a patriarchal institution, coeval with the earliest beginnings of the human race?

Mr. Simon's *second* position, which I impugn, is that, according to the teaching of the Hebrew prophets and some of our great Rabbis, sacrifices are essentially a ritual of a temporary character. The reply is simple.

The sacrificial rite, it is admitted, plays a large part in the Mosaic legislation. Fully one-third of the laws in the Pentateuch deal with them. If animal sacrifices were only an expedient to wean the people from idolatry,¹ as the writer asserts, why could not Moses, at one stroke, have interdicted them, just as he forbade the making of images? Could he not have ordered that only fruit, corn, wine, and oil should be brought to the altar of God?

If sacrifices were not intended to be a permanent institution, how is it that the service in the Tabernacle was based on an elaborate system of sacrifices? There were appointed daily offerings, additional offerings for Sabbaths, New Moons, and the festivals. The Day of Atonement was the Day of Sacrifices, *κατ' ἐξοχήν*. In connection with the sacrificial ritual of this, the holiest day of the year, the words are used, "And this shall be unto you an everlasting ordinance," *והייתה זמרת לכן לחוקת עולם*.² During the existence of the First Temple public sacrifices were offered up uninterruptedly. Did the prophets even hint the slightest objection? Samuel offers up sacrifices; David offers up sacrifices in the threshing-floor of Araunah;

¹ "The great insistence of laws against idolatry suggests the view that sacrifice of blood was treated by the Lawgiver as a process of weaning the people from one kind of worship to another" (p. 234).

² Lev. xvi. 34.

Solomon at the Dedication of the Temple ; so also do Hezekiah and Josiah on special occasions. Was their conduct disapproved of, or discouraged by the seers and men of God who were their friends and counsellors, in sympathy with their efforts on behalf of Judaism ? How does Mr. Simon explain away the following texts, which clearly point to a restoration of sacrifices. Malachi, the last of the prophets, says :—"Then shall the offering of Judah and Jerusalem be pleasant unto the Lord, *as in the days of old, and as in former years.*"¹ Isaiah, predicting Israel's glory, says : "Even them will I bring to my holy mountain, and make them joyful in my house of prayer ; *their burnt offerings and their sacrifices shall be accepted upon mine altar*, for mine house shall be called a house of prayer for all people."² Ezekiel, in giving the plans of the Third Temple, which has not yet been, but which, we hope, will, one day, be erected, does not dream of the abolition of sacrifice.³ He tells us that he saw in his vision "in the porch of the gate, two tables on this side and two on that side, to place thereon the burnt offerings and the sin offerings and the trespass offering."⁴ "From beyond the rivers of Ethiopia, my suppliants, even the daughter of my dispersed, shall bring mine offering"⁵ (Zephaniah iii. 10). The Psalmist in one passage apparently denies the value of sacrifices : "The sacrifice of God is a broken heart ; a broken and contrite heart thou wilt not despise." But immediately afterwards he adds the petition : "Do good, in thy good pleasure, to Zion ; build thou the walls of Jerusalem. Then shalt thou be pleased with the sacrifices of righteousness, with burnt offerings and whole burnt offerings ; then shall they offer bullocks upon thy altars."⁶ An entire Order of the Mishna, the *Seder Kodoshim*, treats exclusively of sacrifices. It is never suggested that sacri-

¹ Malachi iii. 3, 4.

² Isaiah lvi. 7 ; cp. also Is. lx. 7.

³ Ezek. xl. — xlviii.

⁴ Ezek. xl. 39 ; cp. Ezek. xlii. 13 ; Ezek. xlv. 29 ; Ezek. xlv. 18-25.

⁵ Cp. Zach. xiv. 20, 21.

⁶ Ps. li. 18, 19.

fices will be abolished. "Maimonides," says Mr. Simon, "never prayed for the restoration of sacrifices." This is incorrect. Maimonides both believed in the restoration of sacrifices, and prayed for them. In the Liturgy, given in his Digest of Jewish laws, the formula occurs: והשב והעבודה לדביר ביהך ואשי ישראל. And in the additional services there are emphatic prayers for the restoration of sacrifices; for the Sabbath, ואת מוספי יום הזה נעשה ונקריב; for the New Moon, מזבח חדש בציון תכין ועולת ראש חודש, נעלה עליו וכו'. Does Mr. Simon mean to assert that Maimonides did not use in his private devotions the order of service he published for all Israel?

In *Hilchoth Melachim*, chapter ii., paragraph 1:—המלך המשיח עתיד לעמוד ולהחזיר מלכות דוד לירשנה לממשלה הראשונה ונבונה המקדש ומקבץ נדחי ישראל וחוזרין כל המשפטים בימיו כשהיו מקודם מקריבין קרבנות. "King Messiah will restore the kingdom of David to its ancient condition; he will rebuild the Temple, gather together the outcasts of Israel, and the judgments in his days will be again as they were of old. SACRIFICES WILL BE OFFERED UP."

Thus far I have been dealing with Mr. Simon's statements. Let me be permitted to state briefly my view as to the origin and character of sacrifices, and the relations of the prophets to the sacrificial institution. As already indicated, the innate feeling which prompted the offering of sacrifices to the Almighty is coeval with the instinct of adoration of the infinite power that rules the universe. Sacrifices are a concrete form of prayer. Worshippers in olden times were not content with offering to God the fruits of their lips. They brought to his sanctuary of their flocks and herds.

But just as, in course of time, men lapsed from pure Monotheism to Polytheism and idolatry,¹ so their motives in sacrifices became impure. Degenerating from their sires,

¹ אז הוחל לקרא בשם ה' Men began in the days of Enoch to call material objects by the name of God. (Rashi.)

they thought they could propitiate the Deity, win his favour, or even force his will by means of gifts. A victim bound on the altar was, they imagined, sufficient atonement for crime committed, or would be accepted as a bribe, to obtain a benefit. The Mosaic legislation restored the true meaning of the institution. The object of קרבן, as the name already sufficiently denotes, is to obtain communion with God, קרבת אלֹהִים יִחְפְּצוֹן.¹ Those who had committed a sin felt estranged from God; and the sin offering or trespass offering, by the thoughts and feelings it symbolically suggested to their minds and hearts, was a means by which they could regain their lost peace. Only those who had sinned in error, and were filled with remorse at having unwittingly broken God's commandments, could, therefore, bring sin-offerings. Every sacrifice had to be preceded by a confession of the sin for which it was brought in atonement. The offering was devoid of efficacy, unless the guilt had been unfeignedly repented of and full recompense made to the wronged individual. The object of having one place for all sacrifices was to guard the rite from being corrupted. That the sacrifices were intended to be not a temporary but an eternal institution has been already shown. The prophets do not denounce the rite, but only its abuse. It was a symbol and ceremony like so much else in Judaism, *e.g.*, Sabbath, Phylacteries, Mezuzah, dwelling in booths on the Feast of Tabernacles, etc. An emblem loses its savour, if its meaning is forgotten, and becomes a superstition. The Jews were continually relapsing into idolatry. Not till the return from the Babylonian exile were they completely purged of this sin. And so, too, they were constantly losing sight of the main object which the sacrificial rite was to bring about—purity of heart and soul, love and fear of God, kindness towards his children.² The pro-

¹ Isa. lviii. 2.

² Note that when the peace-offerings were brought, the widow, the orphan and the stranger were not forgotten.

phets, denouncing idolatry—the worship of false gods—denounced also the false worship of the true God, sacrifices unaccompanied by the true spirit. This is what Jeremiah, the priest, meant when he said, that God did not command offerings, but said, “Obey my voice.”¹ Ezekiel,² a firm believer in the restoration of sacrifice, warns the people against its abuse. When Amos says, “I hate, I despise your feast days . . . though ye offer me burnt-offerings, I will not accept them,”³ he is not desirous of abolishing sacrifices any more than he wishes to see the Jewish feasts abrogated. All that he means is that God hates a hollow and hypocritical profession of piety without the reality of religion and morality. “Let judgment run down as water, and righteousness as a mighty stream.” Isaiah, in the same spirit, inveighs against the sabbaths and new moons, when impiously observed (i. 13, 14), against prayers that were mere lip-worship (i. 15); against religious duties performed in a soulless, mechanical way, מצות אנשים מלומדה. Their wish was surely not to end, but to mend prayer and the observance of God’s commandments. It is needless to multiply illustrations of what is so obvious, viz., that the prophets did not come to destroy the law of Moses, but to uphold it. The last verse but two in Holy Writ (authorised version) reads: “Remember ye the law of Moses my servant, which I commanded unto him in Horeb for all Israel, with the statutes and judgments.”

II.—THE SHULCHAN ARUCH.

Mr. Simon, in his strictures on the prayers for the Restoration of Sacrifices, falls foul of the Shulchan Aruch. “The present danger to orthodox Judaism—which is, of course, the Judaism of the great mass of Israelites—is,” he says, “that tradition has been permitted to be abruptly broken off with the compilation, three centuries ago, of the compendium of Rabbinical decisions known as the Shulchan

¹ Jer. vii. 22, 23.

² Ezek. xx. 39, 40.

³ Amos v. 21, 22, 24.

Aruch. There is nothing more destructive and dangerous in religion than the finality of a book. The weakness of traditional Judaism is that it has become fastened to a book. . . . Bibliolatry is bad enough, but Shulchan-Aruch-olatry is worse. The Rabbinical decisions given in the year 1892 are nothing but the application of a text set forth somewhere about the year 1565. Not in the Bible, nor even in the Creed of the twelfth century, was the belief in the restoration of sacrifice a dogma in Judaism. It was only an idea like that of Messianism, which some believed and some did not. It was hardly till the present century that it appears to have become stereotyped and made into a dogma."

This passage which I have quoted from Mr. Simon's article is distinguished by the number of its errors. I will lightly pass over Mr. Simon's statement that the restoration of sacrifices was not universally accepted. I have shown that the prophets, the sages of the Talmud, and the great teacher of Cordova, believed in and prayed for the restoration of sacrifices. Occasional speculations in the Midrash on the origin of sacrifices and on their abrogation are *obiter dicta*, not law. The Jewish Rabbis always drew a distinction between Halacha and Agada, between the light literature that loosely presents one side of a truth, and the sciences of law and theology, which are definite expressions of belief and of fixed, normal practice. Such a play upon words as *זאת הרורה לעולה לא חטאת לאשם* does not imply a denial of the restoration of sacrifices. But to come to the main point. In Mr. Simon's remarks on the Shulchan Aruch, I join issue on all counts. It is not a compendium of Rabbinical decisions. Traditional Judaism has not become fastened to the Shulchan Aruch; and the danger to orthodox Judaism, which Mr. Simon apprehends from the finality of this book, has no reality. Shulchan-Aruch-olatry does not exist, and the Rabbinical decisions of 1892 are not the mere applications of the text set forth about

the year 1565. Let us state plainly what this Jewish Code really is. It is not a new Law but a codification of the Oral Law found in the Talmud, and explained in the Rabbinical commentaries. It is beyond the scope of this essay to defend the Oral law. David Nieto, an English Haham, wrote a book called *בטח דן כוזרי שני*, "A Defence of the Oral Law." The late Dr. Loewe, of Ramsgate, translated the major portion of it into English, and I refer Mr. Simon to this work. All that I wish here to point out is that the Shulchan Aruch is simply a handbook of the modern practice of Jewish Law, collected from the Talmud and Posekim. Alfasi, Asher ben Jechiel, his son Jacob the author of the Tur, Maimonides, R. Jerucham, R. Solomon ben Aderet, prepared similar digests and compilations before the Shulchan Aruch. Abraham Danziger of Wilna, Jacob of Lissa, and others, have done similar work in our own century. The object of these handbooks is not to check the development of Jewish Law, but to be helpful to its students.¹

It must be clearly and distinctly stated that the Shulchan Aruch is not a compendium of *decisions*, but of *results*. What R. Joseph Karo has gathered in his immense reading of the legal institutes of Judaism, the evidence of which we have in his commentary on the Tur, he gives in compact form in the Shulchan Aruch. Where he finds a consensus, he gives the result. Where there are differences of opinion they are impartially stated. The references to Talmud and early Posekim can be traced with the aid of the marginal *באר הגולה* of R. Moses לבקש, grandfather of Elijah Wilna. The Shulchan Aruch is not stamped with finality. There is a vast literature of Responsa and commentary subsequent to the compilation of the Spaniard R. Joseph Karo's *Prepared Table*, and of the Cover with which the Polish Rabbi, Moses Isserles, of Cracow, adorned it. The *Magen Abraham* and *Magen*

¹ See quotation from *א"ח פתחי תשובה* in the Preface to the *רשב"א*.

David, the *Sifte Cohen*, and *Ture Zohab*, in their annotations on the *Shulchan Aruch* frequently differ from it. It follows from the foregoing that it is a mistake to say that the decisions of a Rabbi in the present century are nothing but an application of the text of the sixteenth century. One might as well argue that the judgment of the Master of the Rolls is the application of Blackstone's or Sir James Fitz-James Stephens' *Commentaries*, or any other single work on the laws of England. The orthodox Rabbi does not decide according to the *Shulchan Aruch*. He could not, if he would, in those cases where the *Shulchan Aruch* states a variety of opinions. He decides according to the principles and practice of Jewish law. Like an English judge, he has rules to guide him¹ in the interpretation of law; but, at the same time, a wide discretion is allowed him. He is expositor, administrator, and conservator of traditional Judaism. In his capacity of decisionist, he has to use not one book, but a vast range of legal literature—Talmud, earlier and later decisionists. As conservator and administrator of Judaism, he may make innovations. But the innovations must be in the interests of Judaism, and in the spirit of Judaism. Traditional Judaism is not a rigid code. It has developed; it lives, and is still developing. But there is a difference between development within the lines of tradition and in harmony with the principles of the Torah on the one hand, and a development which flies in the face of tradition. The first is orderly evolution. The second is anarchical revolution. The first builds up and promotes growth. The second tries to pull down the stately edifice of Judaism, and uproot the tree of life. The man who confesses his ignorance of Jewish law is decidedly disqualified for the rôle of law-maker, just as a man cannot be a musical composer who has not mastered the rudiments of harmony. To alter Judaism, it is not enough to have correct taste, or even a

¹ See כללי הוראה of the ש"ך.

religious sentiment, and vague aspirations after spiritual ideals. One must have a knowledge of minutiae, only to be acquired by toilsome and unremitting application to study. And the study, to be profitable, must be reverent. "Thou shalt meditate upon it day and night." "Ask thy father, and he will tell thee; thy elders, and they will instruct thee." It would be well for Judaism if those who wish to improve it were to hold their peace, and refrain from disturbing the community till they have fitted themselves, by a sedulous study of our treasures, to understand the development of Jewish law from the Scriptures, through the Talmud and its commentaries to the Shulchan Aruch! Then they will be in a position to criticise that monumental work.

III.—THE INHIBITION.

A few remarks will perhaps not be out of place on the specific attack which Mr. Simon makes on Dr. Adler. I am not a partizan of the Chief Rabbi, but I share the admiration which the whole community feels for his vast and varied learning, versatile abilities, and untiring devotion to duty. I, among many other ministers, owe him an especial debt of gratitude, that of the pupil to his teacher. It was therefore very painful to me to find Mr. Simon implying that the inhibition of Rev. M. Joseph was due to the desire of a newly-elected ecclesiastical head to show his power. I trust that I am not misinterpreting Mr. Simon, but that was the sense conveyed to my mind by a long paragraph¹ in his article. It read as follows:—"After all, the insistence, at this time of day, of the extraordinary and unacceptable dogma is really not the work of concerted action. . . . It is nothing but the manifestation in detail of a newly-constituted ecclesiastical authority. The dogma is the effect of the authority. It is a mere accident that this authority has chosen this peculiar article of belief as a way of showing itself. It might as well have

¹ P. 241.

directed its prerogative against another clergyman, on the ground that he had his own views about Messianism or about the meaning of a particular chapter in the Book of Ezekiel." This involves a tremendous charge. It practically accuses the Chief Rabbi of inhibiting a clergyman, not for the communal weal, but to show his authority! Let us see how the case really stands. By the laws of the United Synagogue, no one is allowed to preach in a Constituent Synagogue without the Chief Rabbi's sanction. The wisdom of this rule is obvious. The United Synagogue is built on orthodox lines. One of the chief objects of its founders was to safeguard the interests of Traditional Judaism. And for this end, they deemed it advisable to have a central authority, with control over the ritual of the Synagogue, and the teaching in its pulpits. Should this rule be exercised, or should it become a dead letter? If the laws of the United Synagogue are to be observed in the spirit in which they were framed, no one ought to complain of Mr. Joseph's inhibition. Had that course not been adopted, the logically inevitable result would have been a gradual mutilation of the Prayer-Book, past all recognition. Mr. Joseph objects to prayers for restoration of sacrifices. Eviscerate, for his benefit, all the Mussaf services; for their essence is a petition for the rebuilding of the Temple, and the revival of the national offerings. Another does not believe in a personal Messiah. Well, then, alter the Prayer-Book to suit him. That beautiful benediction, 'אֵחָ צִמַּח דָּוִד עַבְדְּךָ וכו'', "Cause the offspring of David thy servant to flourish," must go, for it is not in accordance with modern sentiment! To please someone else who is comfortable in London and does not want to go back to Jerusalem, וִילִירוּשָׁלַיִם עִירָךְ must be struck out. Another follower of Mr. Henriques, who believes that Abraham, Isaac and Jacob were mythical personages, enters the Ministry: allow him to leave out the phrase אֱלֹהֵי אֲבֹרָחָם אֱלֹהֵי יִצְחָק אֱלֹהֵי יַעֲקֹב; surely you would not have the man repeat what he does not believe in? Follow out this line

of thought and the mind stands appalled at the vista that opens to view. Someone has read more of the modern Biblical critics than of Jewish commentaries. He has not sifted their arguments. He does not see how their views cancel one another, and has come to the conclusion that they are right; that the Bible consists of fragments, bits stuck together in the wrong order. The historical narrative is all legendary. Moses certainly lived, but he never wrote the five books that passed under his name. The priestly code of Leviticus belongs to the Exilic or Post-Exilic period. Why should the poor minister have to read this spurious document that is all wrong from beginning to end? For, mark you, he must not be inhibited for his opinions. Why should he be forced to recite, "*And the Lord spake unto Moses, Command the children of Israel and say unto them, My oblation, my food for my offerings made by fire, of a sweet savour unto me, shall ye observe to offer unto me in its due season.*"¹ The conclusion of the above reasoning is obvious. Breadth of view is not, as Mr. Simon implies, the sole qualification of a Jewish preacher. A community that professes orthodoxy, desires the traditional principles of Judaism to be expounded, and the traditional practice of Judaism to be taught and enforced; it needs orthodox ministers in sympathy with these principles and this practice. If a gentleman refuses to read the ancient prayers, which express the sentiments of the major portion of the Jewish people of the present day, the Ecclesiastical authorities have, by the constitution of the United Synagogue, as much right to inhibit him as the authorities of the Church of England have to inhibit a clergyman who refuses to read the Liturgy. I go further and urge that if a minister preaches doctrine not in accord with the teachings of traditional Judaism, the Chief Rabbi would be guilty of pusillanimity and even faithlessness to the trust reposed in him, if, out of private regard, he did not exer-

¹ Numbers xxviii. 1, 2.

cise the power placed in his hands, to prevent the promulgation of what he knows to be falsehood from the pulpits of the synagogues under his jurisdiction. If no control be exercised over the teachings of the Synagogue, if breadth of view is to be the sole condition, what guarantee have we that the pulpit will not be thrown open to men who deny inspiration, ridicule ancient religious observances, and advocate the transference of the Sabbath to Sunday. Dr. Felix Adler, in his breadth of view, does not believe in a Personal God, and desires the supersession of religion by ethical culture; why should he not be permitted to preach in a synagogue? This authority of the Chief Rabbi, it must be borne in mind, is not a tyranny imposed from without. It has been voluntarily and deliberately accepted by the community. The office is one fraught with heavy and harassing responsibilities. That the present occupant is fully worthy of his position none will venture to question. In regard to the inhibition of Mr. Joseph, the great majority of the Chief Rabbi's flock have acknowledged the justice of his decision. Mr. Joseph himself, in a letter to the *Jewish Chronicle*, admitted that Dr. Adler had no option but to inhibit him. What right has Mr. Simon, who belongs to that small section which is outside the orthodox community, to interfere in a matter that does not directly concern him, to open a question that has long since been closed, and to charge the Ecclesiastical head of the Jews of the British Empire, with an arbitrary and unwarrantable exercise of the prerogative with which he has clearly and undoubtedly been entrusted?

M. HYAMSON.